

**BAKER & HOSTETLER LLP**

45 Rockefeller Plaza  
New York, NY 10111  
Telephone: 212-589-4200  
Facsimile: 212-589-4201  
David J. Sheehan  
dsheehan@bakerlaw.com  
Nicholas J. Cremona  
ncremona@bakerlaw.com  
Michael A. Sabella  
msabella@bakerlaw.com

*Attorneys for Irving H. Picard, Esq., as Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and Bernard L.  
Madoff,

Plaintiff,

v.

SAGE REALTY;

LILLIAN M. SAGE, IN HER CAPACITY AS  
PARTNER OR JOINT VENTURER OF SAGE

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04400 (SMB)

REALTY AND INDIVIDUALLY AS  
BENEFICIARY OF SAGE REALTY;

MALCOLM H. SAGE, IN HIS CAPACITY AS  
PARTNER OR JOINT VENTURER OF SAGE  
REALTY, INDIVIDUALLY AS BENEFICIARY  
OF SAGE REALTY, AND AS THE PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
LILLIAN M. SAGE;

MARTIN A. SAGE, IN HIS CAPACITY AS  
PARTNER OR JOINT VENTURER OF SAGE  
REALTY AND INDIVIDUALLY AS  
BENEFICIARY OF SAGE REALTY; AND

ANN M. SAGE PASSER, IN HER CAPACITY AS  
PARTNER OR JOINT VENTURER OF SAGE  
REALTY AND INDIVIDUALLY AS  
BENEFICIARY OF SAGE REALTY,

Defendants.

---

**NOTICE OF MEDIATION REFERRAL**

---

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)<sup>1</sup> [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on November 30, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Discovery has been completed in this adversary proceeding.

---

<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Order.

Pursuant to the Avoidance Procedures, an avoidance action shall be referred to mediation upon the completion of discovery. Avoidance Procedures, ¶ 5A.

Pursuant to the Avoidance Procedures, within 14 calendar days after the filing of this Notice of Mediation Referral, the Trustee and Defendants (the “Parties”) shall choose a mediator in accordance with the Mediation Order. If the Parties are unable to agree on a mediator, the Court shall appoint one in accordance with the Mediation Order. Avoidance Procedures, ¶ 5C.

Dated: New York, New York  
September 17, 2019

**BAKER & HOSTETLER LLP**

By: /s/ Nicholas J. Cremona  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Nicholas J. Cremona  
Email: ncremona@bakerlaw.com  
Michael A. Sabella  
Email: msabella@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and for the Estate of Bernard L. Madoff*